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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,060	10/31/2001	Laurance N. Hazlehurst	38190/207407	6687

826 7590 05/01/2003

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

1. The reply filed on February 10, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): while the reply **did** elect invention group I, claims 1-57, the reply **did not** set forth an election of species within this invention group in accordance with the restriction requirement mailed January 10, 2003. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For Applicants' convenience, the restriction requirement in its entirety is being repeated hereinbelow.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-57, drawn to a production system, classified in class 483, subclass 36.
- II. Claims 58-64, drawn to an index device, classified in class 340, subclass 286.01.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require that the index device have the claimed housing, nor the claimed sensor, as is evidenced by claims 1 and 38, for example. The

subcombination has separate utility such as in a quality checking device to determine whether each of a pattern of holes worked into a finished engine block is located at a desired position.

4. This application contains claims directed to various ones of the following patentably distinct disclosed species of the invention: the embodiment shown in Figures 1-14I, the embodiment shown in Figure 15, the embodiment shown in Figure 16, the embodiment shown in Figure 17, the embodiment shown in Figure 18, the embodiment shown in Figure 19, the embodiment shown in Figure 20, the embodiment shown in Figures 21-22, the embodiment shown in Figure 23, the embodiment shown in Figure 24, the embodiment shown in Figure 25, and the embodiment shown in Figure 26.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 appears to be the only generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. A telephone call was made to Donald M. Hill, Jr. on January 8, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadigan whose telephone number is (703) 308-6395. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



ERICA CADUCE
PATENT EXAMINER

ee^c
April 30, 2003